

To: USAC Appeal Board
From: Dan Ladik
Subj: Appeal for Erate App# 636075
Date: 18 August 2008

DOCKET FILE COPY ORIGINAL

Received & Inspected
OCT 07 2008
FCC Mail Room

Billing Entity Name: St. Cecilia's School
Billing Entity Number: 8909
Billing Entity FCC RN: 0017783838
FRN Number: 1760390

Dear Sirs,

On behalf of St. Cecilia's School, I am respectfully appealing the denial of Erate Application 636075 which was submitted for Internet Connectivity for the School's Wireless Network.

This request has been denied because it was perceived that I did not select the lowest cost vendor or that cost was not my highest criteria. This is completely incorrect.

Comcast was \$95.00 per month while using the existing facilities and incurring no additional preparation or installation costs.

Proficient Networks was \$ 439.00 a month plus unnamed installation costs which would have been required to install new circuits for a totally new service.

Data Network Solutions offered a solution that did not meet the requirements and at an even higher cost.

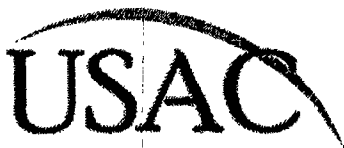
I am enclosing copies of the proposals to support my reasons for selecting Comcast as the preferred vendor.

The Erate Application was filed in good faith that we were meeting the stated requirements for the Internet Connectivity criteria. I respectfully request that you reconsider the denial and hope this letter describes the situation in a more descriptive manner.

Regards,

Dan Ladik djladik@comcast.net 856-261-4521

No. of Copies 0
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Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2008-2009

September 05, 2008

Dan Ladik
St. Cecilia School
122 Lenape Road
Cherry Hill, NJ 08002

Re: Applicant Name: ST CECILIA SCHOOL
Billed Entity Number: 8909
Form 471 Application Number: 636075
Funding Request Number(s): 1760390
Your Correspondence Dated: August 18, 2008

*LETTER THAT EXPLAINS
USAC DENIAL OF MY
APPEAL.
Dan Ladik
30 Sept 08*

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2008 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1760390
Decision on Appeal: **Denied**
Explanation:

- During the appeal review, USAC determined that during review of St. Cecilia School's Form 471 application, the School was contacted and asked to provide documentation explaining the vendor selection process. The documentation provided by the School included the bid evaluation score sheet. USAC has thoroughly reviewed this documentation and determined that price was not the primary factor in the vendor selection process. Price was given a weighting of 30 points. However, Requirements Match was assigned a maximum value of 50 point. It is clear that price was not the primary factor in the vendor selection process. Therefore, USAC correctly determined that the vendor selection process did not comply with the competitive bidding rules of the schools and libraries support mechanism. You did not demonstrate in your appeal that price was the

To: FCC Appeal Board
From: St. Cecilia School
Subj: Appeal USAC Decision on Internet Charges
Date: 30 September 2008
Reference: CC Docket No. 02-06
USAC Form 471 636075, FRN 1760390

Dear Sirs,

I am appealing the USAC decision. Their reason for denial was that lowest cost was not highest weighted factor. I am attaching their letter.

I believe they did not receive the revised decision matrix that showed cost was weighted highest and that they not take into consideration that \$95.00 per month without having to make any infrastructure changes was truly the lowest cost by a far margin. I sent in a revised matrix after receiving a notice that they believed I did not select the lowest cost supplier.

The other proposals I received would require installing T1 circuits and would have resulted in costly installations and a lowest monthly charge in excess of \$400.00 per month. The current installed service was in place and currently available at \$95.00 per month with a chance to reduce it to \$59.00 a month pending a favorable decision from USAC. The current service is being supplied by Comcast which is a certified USAC supplier and is Cable Service Company.

I will also attach supporting documentation.

I am an unpaid advisor to the school.

Regards,



Dan Ladik
djladik@comcast.net
856-261-4521
Fax 856-665-4440

primary factor when you selected your service provider. Therefore, your appeal is **denied**.

- FCC rules require that applicants select the most cost-effective products and/or services offering with price being the primary factor. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. *See* 47 C.F.R. sec. 54.511(a); Request for Review by Ysleta Independent School District, et al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45, 97-21, Order, 18 FCC Rcd 26407, 26429, FCC 03-313 para. 50 (rel. Dec. 8, 2003). Ineligible products and services may not be factored into the cost-effective evaluation. *See* Common Carrier Bureau Reiterates Services Eligible for Discounts to Schools and Libraries, CC Docket No. 96-45, Public Notice, 13 FCC Rcd 16570, DA 98-1110 (rel. Jun. 11, 1998).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" ... posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

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Regards,

Dan Ladik diladik@comcast.net 856-261-4521

ORIGINAL APPEAL TO USAC
AFTER LEARNING THAT
THEY BELIEVED I DID NOT
SELECT LOWEST COST
SUPPLIER
Dan Ladik
30 Sept 08

Bid Matrix
Cable Internet Service

No	Factors	Total Points Available	Vendor 1 -Data Network Solutions	Vendor 2 - Virtual Focus Inc.	Vendor 3 - Comcast
1	Cost of Services	50	10	10	50
2	Requirements Match	30	0	0	30
3	Experience	10	8	8	10
4	Accessibility , on site capability	10	5	5	10
	Total Points		23	23	100

BID
MATRIX
SUPPLIED TO USAC -- ON MY APPROVAL TO USAC
dJan Lachik
30 Sept 08



BUSINESS CLASS SERVICE ORDER AGREEMENT

Account Name: Saint Cecilia SchoolID#: 1210730

CUSTOMER INFORMATION (Service Location)

Address 1 4851 CAMDEN AVECity Pennsauken

Address 2 _____

State NJPrimary Contact First Name/Last Name Dan LadikZip Code 08110Business Phone (856) 261-4521

County _____

Cell Phone _____

Email Address _____

Pager Number _____

Primary Fax Number _____

Technical Contact First Name/Last Name _____

Tech Contact On-Site No

Technical Contact Business Phone _____

Technical Contact Email _____

Property Manager First Name/Last Name _____

Property Mgr. Phone _____

BILLING INFORMATION

Billing Account Name Saint Cecilia SchoolCity Pennsauken

Billing Name (3rd Party Accounts) _____

State NJAddress 1 4851 Camden AveZIP Code 08110

Address 2 _____

County _____

Billing Contact First Name JohnBilling Contact Email stccschool@yahoo.comBilling Contact Last Name StradaBilling Contact Phone (856) 662-0149Tax Exempt* No

Billing Fax Number _____

*If yes, please provide and attach tax exemption certificate.

BASE SERVICES AND INSTALLATION

Business Class Products: Product Name Monthly

Comcast Business Class Internet	Standard	\$59.00
Comcast Business Class TV*	Basic	\$20.00
*Not available in home offices		
Multi-Product Discount		-\$20.00
Total Monthly Service Charge		\$59.00

CUSTOM INSTALLATION AND CONSTRUCTION ADDENDUM*

As set forth in Section 2.6 of the Comcast Workplace General Term and Conditions, Comcast has determined that Custom Installation is necessary for the service Location described above as follows:

Total Custom Installation Fees: \$0.00*Less Fees Paid by Comcast: \$0.00Fees Due Comcast: \$0.00

*Any Custom Installation Fee amount absorbed by Comcast must be immediately paid by you to Comcast if the applicable Sales Order is terminated prior to the end of the Service Term.

OPTIONAL SERVICES

Internet Options

Monthly

Static IP	
Business Class Email	
Business Class Webhosting	\$0.00

TV Options

Monthly

Additional Outlets	\$0.00
HDTV Box Charges	\$0.00
Music Choice	
Sports Pack	
Other Programming	\$0.00

TOTAL SERVICE CHARGES

Service Term (Months)	36
Promotion Code* (if applicable)	WP/Video Bundle

*Promotion code description in special instructions below:

Total Installation

\$0.00

*Does not include Custom Installation Fees Referenced

Total Monthly Service	\$59.00
Total Optional Services	\$0.00

Total Recurring Monthly

\$59.00

*Applicable federal, state, and local taxes and fees may apply.

SPECIAL INSTRUCTIONS

Promotion Code WP/Video Bundle - This is a discount of \$20 when user buys two or more products

COMCAST
PROPOSAL



BUSINESS CLASS SERVICE ORDER AGREEMENT

Account Name: Saint Cecilia School

ID#: 1210730

COMCAST BUSINESS CLASS INTERNET CONFIGURATION DETAILS

Microsoft Office Communication Services	
Microsoft Office Outlook E-mail Included with Internet Service	
Business Class Internet Lite	2 Web Access
Business Class Internet Standard	4 Web Access
Business Class Internet Enhanced	8 Full Access

Business Class Web Hosting Services
Starter Web Hosting Package is Included with Internet Service

Web Hosting Upgrade Options (Select One)

Business

☒

Commerce

☐

Professional

☐

Transfer Existing Comcast .net Email

Yes

Static IP

No

Number of Static IPs

Equipment Selection

IP Gateway

*If 13 Static IP's are requested a static IP justification form is required

COMCAST BUSINESS CLASS TV CONFIGURATION DETAILS

Outlet Details	Location	Outlet Type	A/O Cost	HD Box Cost
Primary	Main	Analog	\$0.00	\$0.00
AO 1				
AO 2				
AO 3				
AO 4				
AO 5				

1. Agreement: This Comcast Business Class Service Order Agreement sets forth the terms and conditions under which Comcast Cable Communications Management, LLC and its operating affiliates ("Comcast") will provide the Services to Customer. This Comcast Business Class Service Order Agreement consists of this document ("SOA"), the standard Comcast Business Class Terms and Conditions ("Terms and Conditions"), and any jointly executed amendments ("Amendments"), collectively referred to as the "Agreement". In the event of inconsistency among these documents, precedence will be as follows: (1) Amendments, (2) Terms and Conditions, and (3) this SOA. This agreement shall commence and become a legally binding agreement upon Customer's execution of the SOA. The agreement shall terminate as set forth in the Terms and Conditions (<http://www.comcast.com/business/legal/>). All capitalized terms not defined in this SOA shall have the definitions given to them in the Terms and Conditions. Use of the Services is also subject to the then current High-Speed Internet for Business Acceptable Use Policy located at <http://work.comcast.net/legal/aup.asp> (or any successor URL), and the then current High-Speed Internet for Business Privacy Policy located at <http://work.comcast.net/legal/privacy.asp> (or any successor URL), both of which Comcast may update from time to time.

2. Each Comcast Business Class Service ("Service") carries a 30 day money back guarantee. If within the first thirty days following Service activation Customer is not completely satisfied, Customer may cancel Service and Comcast will issue a refund for Service charges actually paid by Customer, custom installation and optional service fees excluded. In order to be eligible for the refund, Customer must cancel Service within thirty days of activation and return any Comcast-provided equipment in good working order. In no event shall the refund exceed \$500.00.

3. Modifications: All modifications to the Agreement, if any, must be captured in a written Amendment, executed by an authorized Comcast Senior Vice President and the customer. All other attempts to modify the Agreement shall be void and non-binding on Comcast. Customer by signing below, agrees and accepts the terms and conditions of this agreement.

CUSTOMER SIGNATURE

By signing below customer agrees and accepts the Terms and Conditions of this Agreement. General Terms and Conditions can be found at <http://www.comcast.com/business/legal/>

Signature:

Name:

Title:

Date:

JOHN STRADA

PRINCIPAL

2/8/08

FOR COMCAST USE ONLY

Sales Representative Rodney Dawson

Sales Representative Code _____

Sales Manager/Director Name David Robinson

Sales Manager/Director Approval _____

Division East

Lead ID 1210730

From: "Ron Baker" <rbaker@dnnetit.com>
To: "Isaac Fajerman" <ifajerman@dnnetit.com>
Subject: FW: Dear IT Manager or E.doc
Date: Thursday, January 24, 2008 9:19:43 AM

Dear IT Manager or E-Rate Consultant,

School Districts that are ending their ATM DS3 contracts soon or during FY 2008-2009 now can order Ethernet LAN Service from **DATA NETWORK SOLUTIONS** at speeds from 1Mbps to 1000Mbps.

You can now break the 45Mbps speed barrier of DS3 service at lower prices and switch to Ethernet without the need to buy expensive hardware.

DNS Ethernet prices are lower than ATM prices after any New Jersey Access discounts.

DNS can also custom design your network to integrate Frame Relay, ATM and Ethernet together to fit your budget and service small buildings that only need a T1.

Prices and examples are attached. CALL our support staff to discuss this offer in more detail.

SPECIAL OFFER: FOR THOSE DISTRICTS THAT SIGN 3 or 5 YEAR CONTRACTS STARTING FISCAL YEAR 2008-2009 DNS SHALL PROVIDE 5 WI-FI UTSTARCOMM F1000 VOIP PHONES AND 5,000 FREE LOCAL AND LD MINUTES (SUBJECT TO AVAILABILITY OF SERVICE AND SUPPLIES). THESE PHONES CAN REPLACE WALKIE TALKIE RADIOS AND WEIGH ONLY 3 ONCES AND WORK ANYWHERE THERE IS A WI-FI CONNECTION.

UTStarcom F1000 WiFi Mobile Handset is SIP based WLAN phone that is easily integrated with most SIP based IP PBX



systems.

Kindest regards,
Ron Baker

Senior Account Manager
Data Network Solutions
162 E. Newman Springs Rd.
Red Bank, NJ 07701
www.dnnetit.com
732-741-5889 (W)

*Data Network Solutions
Proposer
Dan Ladich
30 Sept 08*

Data Network Solutions

162 East Newman Springs Rd.
Red Bank, NJ 07701
(732) 741-5889 (800) 649-6741
Fax (732) 747-3584
www.dnns.com

Price Quote 100-021217-R1
New Jersey ISP State
Contract Vendor
Contract No. 60658
E-Rate SPIN 143009866
School Year 08-09

470 Response =

Customer

Name Any New Jersey Board of Education Attn: Bryan Bruder
Address Main St & Park Ave
City My Town State NJ Zip 07777
Phone 201-555-1212 Fax

Date 1/15/2008
Order No.
Rep Ron Baker
Terms 1,3 or 5 yrs

Qty	Description	Unit Price	TOTAL
	20 Mbps Bandwidth & 100Mbps Transparent Lan Services	monthly	annual
	Three YEAR TERM		
	FIXED CIRCUIT PRICE		
12	100Mbps Transparent Lan Services loop mileage to CO rate \$100.00	\$1,000.00	\$12,000
	Mileage to Switch		
12	Variable Price	est FCC 11%	
12	20Mbps Internet bandwidth	\$110.00	\$1,320
12	20Mbps EVC	\$2,200.00	\$26,400
12	20Mbps ethernet port	\$475	\$5,700
		\$150	\$1,800
12	Monthly Recurring Charges w/o erate	\$3,935.00	\$47,220
12	Monthly Recurring Charges w/erate 0.60	\$1,574.00	\$18,888
	one time costs		
1	Provide and install 100Mbps Ethernet Interface to Existing Cisco Router w/o erate	\$1,500.00	\$1,500
1	w/erate 0.60	\$600.00	\$600
	bandwidth BW unit price Ethernet EVC BW total ethernet port		
	10 \$115 \$120 \$1,160 \$120 \$1,390		
	20 \$110 \$240 \$2,200 \$130 \$2,670		
	30 \$105 \$360 \$3,160 \$140 \$3,650		
	40 \$100 \$475 \$4,000 \$150 \$4,625		
	50 \$95 \$590 \$4,750 \$160 \$5,600		
	60 \$90 \$710 \$5,400 \$170 \$6,280		
	70 \$85 \$825 \$5,950 \$180 \$6,955		
	80 \$80 \$950 \$6,400 \$190 \$7,540		
	90 \$75 \$1,160 \$6,750 \$200 \$8,100		
	100 \$70 \$1,250 \$7,000 \$210 \$8,460		

Confidential Price List

All term and conditions set forth in Data Network Solutions NJ PBU Tariffs apply
TT06030232 & TT06030233

Approved By

Date

Subtotal
Shipping & Handling
Taxes

Total

THANK YOU FOR DOING BUSINESS WITH US!

Data Network Solutions

162 E. Newman Springs Rd.
Red Bank, NJ 07701
(732) 741-5889 (800) 649-6741
Fax: (732) 747-3584
dns@dnetsolutions.com

New Jersey ISP State Contract Vendor
Contract No. 60658
E-Rate Telecom SPIN 143009866

Service Category	Rate Element	Standard Rate
EMS or ERS - Standard UNI Port with Access Line Connection - 10 Mbps	NRC - Month to Month - Per line	\$1,300.00
	Month to Month - Per line	\$1,200.00
	Three Year Plan - Per line	\$1,000.00
	Five Year Plan - Per line	\$900.00
EMS or ERS - Standard UNI Port with Access Line Connection - 100 Mbps	NRC - Month to Month - Per line	\$1,300.00
	Month to Month - Per line	\$2,400.00
	Three Year Plan - Per line	\$2,000.00
	Five Year Plan - Per line	\$1,800.00
EMS or ERS - Standard UNI Port with Access Line Connection - 1000 Mbps	NRC - Month to Month - Per line	\$1,300.00
	Month to Month - Per line	\$4,000.00
	Three Year Plan - Per line	\$3,500.00
	Five Year Plan - Per line	\$3,200.00
ERS - Premier UNI Port with Access Line Connection - 100 Mbps	NRC - Month to Month - Per line	\$1,300.00
	Month to Month - Per line	\$1,200.00
	Three Year Plan - Per line	\$1,000.00
	Five Year Plan - Per line	\$900.00
ERS - Premier UNI Port with Access Line Connection - 1000 Mbps	NRC - Month to Month - Per line	\$1,300.00
	Month to Month - Per line	\$2,400.00
	Three Year Plan - Per line	\$2,000.00
	Five Year Plan - Per line	\$1,800.00
Ethernet TLS EVC - ERS EVC Standard - 10 Mbps	Month to Month - Per EVC	\$50.00
	NRC	\$200.00
Ethernet TLS EVC - ERS EVC Standard - 100 Mbps	Month to Month - Per EVC	\$100.00
	NRC	\$200.00
Ethernet TLS EVC - ERS EVC Standard - 1000 Mbps	Month to Month - Per EVC	\$200.00
	NRC	\$200.00
ERS EVC Bandwidth - Basic (ERS-B) Class of Service	1 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$11.76
	2 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$23.53
	3 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$35.29
	4 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$47.06
	5 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$58.82
	6 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$70.59
	7 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$82.35
	8 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$94.12
	9 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$105.88
	10 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$117.65

Service Category	Rate Element	Standard Rate
	20 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$235.28
	30 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$352.94
	40 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$470.59
	50 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$588.24
	60 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$705.88
	70 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$823.53
	80 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$941.18
	90 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$1,058.82
	100 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$1,176.47
	200 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$1,411.76
	300 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$1,470.58
	400 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$1,529.41
	500 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$1,588.24
	600 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$1,647.06
	700 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$1,705.88
	800 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$1,764.71
	900 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$1,823.53
	1000 Mbps - Month-to-Month - Per Class of Service - Per EVC	\$1,882.35
ERS EVC Setup Charge for ERS Premier UNI Port with Access Line Connection or NNI Port Only Connection	NRC - Per EVC	\$200.00
Interoffice Mileage	Month-to-Month - Per line	\$100.00
Customer Service Management	NRC - Per customer - Per line	\$350.00
	Month-to-Month - Per customer - Per line	\$150.00

PRICING & CONTRACT TERMS

Monthly pricing for Proficient Telecom T1 Internet Access Service shall be a function of committed contract length, as follows:

Recurring Charge for Each Data T1 Circuit (1.5 Mbps)

Length of Contract	Monthly Fee
36 Month *	\$399.00
24 Month *	\$419.00
12 Month	\$439.00
Month-to-Month	\$459.00

Non-recurring Charge for Each Data T1 Circuit (1.5 Mbps)

Length of Contract	One-time
36 Month	\$0
24 Month	\$0
12 Month	\$0
Month-to-Month	\$750.00

* Please note that our 24 and 36 month contracts allow for cancellation in year 2 and year 3 should USAC funding be denied or become unavailable.

** Bonded T1 services may be available at additional savings.

Please note that our pricing includes taxes and fees. Other providers may charge an additional amount (sometimes 15% or more) in taxes, end-user common line and special charges.

PRICING PAGE
FROM PROFICIENT NETWORK
PAGE 6 of 20 --
Dan Hadikh
30 Sept 09 6